

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF PLUMBERS**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Tuesday, April 21, 2015

9:00am

In attendance: Lionel Bernardino

Jeffrey Hutton

Richard Mandarini

Michael Newman

Michael Raposa

William J. Riley, Chair

Anthony Cardarelli, Larry Giorgi, and DLT Director Jensen were not in attendance.

Also in attendance were E. Patrick Luther, Chief Plumbing Investigator; John Shaw, Administrator; and Mary Ellen McQueeney-Lally, DLT Legal Counsel.

1.) Call to Order: The meeting was called to order at 9:08am by Chair William J. Riley.

2.) Minutes of February 17, 2015 Meeting: Michael Newman made a motion to accept the minutes of February 17, 2015; seconded by Richard Mandarinini and passed unanimously.

3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Mary Ellen McQueeney-Lally, DLT Legal Counsel, reminds the Board that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest board members should recues from hearing and voting on the matter. Forms are available.

4.) Violation Appeal Hearings: None

5.) Revocation Hearing:

James Dunford – Violation # 5077: E. Patrick Luther (DLT Chief Plumbing Investigator), Robert Fratus (DLT Chief Electrical Investigator) and James Dunford (Respondent) are sworn in for testimony. Attorney John Kupa represents James Dunford.

E. Patrick Luther reads the violation.

Date of Violation: 3/5/2015; Violation # 5077

Name of Violator: James Dunford

Location of Violation: Edward Machala, 1 Golden Rd, Narragansett, RI

Violation: RIGL 5-20-9 Acts for which a journeypersons license required;

RIGL 5-20-27 (4) Grounds for revocation of license.

On January 5, 2015, James Dunford did take a permit for plumbing work at the above location. Mr. Dunford did not have a contract with the owners listed above. The contract was with an unlicensed individual, Donald Jordan, who was operating an unlicensed company, Donald Jordan Construction, Registration # 23684. Mr. Jordan was installing drainage piping at the time of inspection on February 20, 2015. This is grounds for revocation of Master Plumber's license number MP001799 as described in RIGL 5-20-27 section (4) "Because of any master plumber, master irrigator or journeyperson plumber or journeyperson irrigator willfully and fraudulently loaning his or her license to any other person for the purpose of permitting that person to engage in any plumbing or irrigation work in violation of the provisions of this chapter."

A revocation of license hearing will be held April 21, 2015 at 9:00 am at The Rhode Island Department of Labor and Training, 1511 Pontiac Ave. Cranston RI, Building 70 second floor conference room. In addition, the above cited is subject to a \$3,000.00 fine. Your

attendance is required. If you fail to appear, the hearing will continue as scheduled and be held in your absence.

E. Patrick Luther and Robert Fratus provide testimony.

James Dunford provides testimony. Attorney John Kupa provides copies of the contract for 1 Golden Rd, Narragansett, RI marked Exhibit A & B.

Parties are questioned by the Board.

Michael Raposa made a motion that Violation 5077 did occur; seconded by Michael Newman and passed unanimously by the board.

There is discussion.

Michael Newman made a motion to not revoke the Mr. Dunford's license per RIGL 5-20-27(4) and, regarding the violation of RIGL 5-20-9, Acts for which a journey person's license required, the \$1,500.00 penalty should be upheld. The motion was seconded by Michael Raposa. The motion was then amended to separate the revocation from the fine.

Regarding Grounds for revocation of license RIGL 5-20-27(4), Michael Newman made a motion that Mr. Dunford's license should not be revoked; seconded by Lionel Bernardino and passed unanimously by

the board.

Regarding RIGL 5-20-9 Acts for which a journeyperson's license required; Michael Newman made a motion that the penalty for violation of RIGL 5-20-9 for \$1,500.00 be upheld; seconded by Lionel Bernardino and passed unanimously by the board.

The recommendation will be forwarded to the Director's office.

6.) Manuel G. DaSilva application for examination for Journeyman Plumber review/approval: Lionel Bernardino recused. Manuel G. DaSilva is sworn in for testimony.

E. Patrick Luther addressed the board. On 4/16/2015 Manuel DaSilva submitted an application for the Journeyman Plumber license. Mr. DaSilva is a graduate of New England Tech fulfilling 576 hours of schooling and 4,000 hours of on the job training but would need an additional 4,000 hours of on the job training. There is a discrepancy in on the job training hours from Gem Plumbing. A letter from Gem Plumbing submitted with his application indicates 2,687 hours while DLT Apprenticeship computer records indicate 8,000. Back up documentation cannot be found. Mr. DaSilva's apprenticeship started 1/21/05 and was renewed January 2006 and January 2007.

Lionel Bernardino, of Gem Plumbing, having recused, provided

testimony regarding Mr. DaSilva's employment.

Michael Newman made a motion to grant Mr. DaSilva the ability to take the journeyman plumber test; seconded by Richard Mandarini and passed unanimously. Lionel Bernardino recused.

The recommendation will be forwarded to the Director's office.

7.) Apprentice Approvals / Apprentice Registrations:

- Derek Corvese Jason Corvese MP003476**
- Garrett Reil Rick Degregorio MP003496**
- Gerard Doyle Mike Loffler MP001990**
- Robert Broccoli Jr Mike Loffler MP001990**
- Gordon Monroe Shane Dumais MP003590**
- Ryan Moore John Yoakum MP002199**
- Sam Marino John Yoakum MP002199**
- Marcus Cabral Dan Donovan MP001446**

Michael Newman made a motion to accept the new apprentice approvals / apprentice registrations; seconded by Michael Raposa and passed unanimously by the Board.

8.) Adjournment: Richard Mandarini made a motion to adjourn; seconded by Lionel Bernardino. The motion passed unanimously.

Meeting adjourned at 9:43am.